CONTINUE TO Jan. 28, 2008
LAFAYETTE CITY COUNCIL
CITY CLERK 11-26-07
DATE

City of Lafayette Staff Report

For:	City Council
By:	Niroop K. Srivatsa
Date Written:	November 16, 2007
Meeting Date:	November 26, 2007
Subject:	**Guidelines for conducting joint City Council, Planning Commission and Design Review Commission pre-application meetings**

Background

Over the last few years, the City Council has convened joint pre-application meetings with the Planning and Design Review Commissions to consider upcoming development projects of a significant size. The purpose of these meetings is to provide early feedback to an applicant proposing a particularly challenging development, one that requires a general plan amendment, a development agreement or City subsidy. Pre-application meetings have been held in the past on the Town Center, Lafayette Mercantile, Lafayette Park Terrace and Woodbury projects.

The relevancy and effectiveness of these pre-application meetings was discussed at the annual joint meeting of the three boards on September 24, 2007. Staff volunteered to draft ground rules for consideration by the Commissions and adoption by the Council. Attached are the draft rules; they have been reviewed and approved by the City Attorney. This matter was discussed by the Design Review Commission on October 9th and the Planning Commission on November 15th.

At the November 15th meeting, the Commission made a few revisions to the ground rules; the redlined version with the Commission's edits is included for your reference. The Planning Commission suggested that a joint meeting should not be required simply because a proposed development includes an affordable housing component. On a separate matter, a concern was expressed about the way development agreements (DA) were being handled and the Commission felt that more attention needed to be paid to the DA during the public review process.

Recommendation

Adopt Resolution 2007-47 approving the guidelines.

Attachments

1. Resolution 2007-47
2. Ground rules (redlined with Commission comments)
3. Comments from Commissioners Lee and Lovitt
4. Minutes of October 9, 2007 Design Review Commission meeting
5. Minutes of September 24, 2007 joint meeting

8B1

BEFORE THE CITY COUNCIL OF LAFAYETTE

In the Matter of:

Establishing Guidelines for Scheduling)
and Conducting Joint Meetings) Resolution 2007-47

Over the last few years, the City Council has convened joint pre-application meetings with the Planning and Design Review Commissions to consider upcoming development projects of a significant size. The purpose of these meetings is to provide early feedback to an applicant proposing a particularly challenging development, one that requires a general plan amendment, a development agreement or City subsidy.

On September 24, 2007, the relevancy and effectiveness of these pre-application meetings was discussed at the annual joint meeting of the three boards. At the direction of the City Council, staff drafted guidelines for scheduling and conducting joint meetings. These guidelines were considered by the Design Review Commission on October 9, 2007 and the Planning Commission on November 15, 2007. The Planning Commission recommended approval of the guidelines with modifications. The City Council considered the matter on November 28, 2007 and continued it to a future date to allow the Lafayette Homeowners Council to review the guidelines and provide comment.

NOW, THEREFORE, the City Council of the City of Lafayette resolves that:

The "Guidelines for Scheduling and Conducting Joint City Council, Planning Commission, and Design Review Commission Meetings" as modified by the Planning Commission are approved as reflected in Exhibit "A."

PASSED and ADOPTED by the City Council of the City of Lafayette at its regular meeting held on January 28, 2008 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mayor

ATTEST:

_____
City Clerk

Exhibit A

Guidelines for Scheduling and Conducting Joint City Council, Planning Commission, and Design Review Commission Meetings

What is a joint project review meeting?
A joint meeting is a gathering of the City Council, the Planning Commission and the Design Review Commission for the purpose of providing early feedback to an applicant seeking a particularly challenging development.

When should these meetings be scheduled?
The Mayor or City Manager may schedule a joint meeting if:

1. A proposed development is located in the redevelopment project area and the developer requires the Agency's review and involvement in one or more of the following ways:
    a. The developer seeks Agency subsidy
    b. A development agreement, owner participation agreement, disposition and development agreement, or other regulatory agreement (i.e. affordable housing) is proposed
    c. The development requires a general plan amendment, specific plan amendment and/or zone change.
2. A proposed development is located outside the redevelopment project area and the developer requires the City's review and involvement in one or more of the following ways:
    a. A development agreement is proposed
    b. The development requires a general plan amendment, specific plan amendment, and/or zone change
3. A proposed development involves a public building or land.
4. A proposed development involves an historic building, or other features with high potential community value.

Who decides if they are to be held?
The Mayor, City Manager, or a committee of the City Council.

What materials should the applicant/developer provide in advance of the meeting?
At a minimum, submittal materials should include:

1. Data sheet describing the project – number of units, parking spaces, area of non residential spaces, maximum height, number of stories, proposed deviations from General Plan, Specific Plan, the Municipal Code, and any other applicable regulations
2. A context map showing the relationship of the proposed project to adjacent developments
3. Conceptual site plan(s) showing the location of buildings, accesses, dwelling units, parking, non-residential uses
4. Additional materials as requested by the City

The following additional materials can be presented at the joint meeting:

1. Building elevations with accurate representation of height
2. Site sections with accurate representation of height
3. Perspective views of the project

What materials should staff provide in advance of the meeting?
At a minimum, the staff report should include the following details:

1. Project Details
    a. Project location (w/map)

   b. Project description
   c. Description of requested amendments to the general plan, specific plan, Municipal Code, and any other applicable regulations
   d. Description of public subsidy required or requested
2. Meeting Details
   a. Reason(s) for joint meeting
   b. Desired outcomes

The staff report should also make it clear that this initial, pre-application meeting is only intended to provide the applicant with general direction and that no binding decisions will be made on the development application itself. The City is in no way limited in future review of the application to the direction given to the applicant at the pre-application meeting and specifically reserves the right to deny the project or otherwise return it to the applicant for significant amendments, which may not have been previously mentioned at the pre-application meeting.

Who should be notified of the joint meeting?
At a minimum, notice of the joint meeting should be sent to the Lafayette Chamber of Commerce, the Lafayette Homeowners Council, other commissions that might have interest in the development, and any other individual or entity requesting notice.

How should the meeting be run?
Staff will provide a detailed meeting agenda that:

1. Allocates adequate time for the developer's presentation, and questions and comments from each Board
2. Identifies areas/issues that require comment

The Mayor should:

1. Ensure that discussion is restricted to the agenda items only
2. Allow the DRC, then the PC members to comment before the City Councilmembers offer their input
3. Summarize the comments made and identify next steps
4. Make it clear and have the applicant acknowledge that this initial, pre-application meeting is only intended to provide the applicant with general direction and no decisions will be made on the development application itself and that the City is in no way bound or limited in future review of the application to the direction given to the applicant at the pre-application meeting.

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EDITS MADE BY PLANNING COMMISSION

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From: Thomas Lee [mailto:tom.lee@ldaarch.com]
Sent: Wednesday, October 03, 2007 11:05 AM
To: Srivatsa, Niroop
Subject: RE: Ground rules for joint CC/PC/DRC meetings

Niroop:

This is a fine document. Thanks.

May I make suggestions? OK, thanks...

In the section describing what the applicant should provide, it might be better to indicate the intent of these documents, and then to suggest that these would include, e.g.;
Describe the scale and character of the proposed project, including the various use areas of the site and their orientations, points of access, public spaces, building massing, parking, service areas, landscape zones. Identify issues of offsite impacts including views, noise, traffic, stormwater runoff.

At a minimum, include a site plan, major building elevations (indicating height of all elements), sections (extending to any adjacent developments and major surrounding features)
Does this help?

Thomas Lee

LDA

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-----Original Message-----
From: Srivatsa, Niroop [mailto:NSrivatsa@ci.lafayette.ca.us]
Sent: Tuesday, October 02, 2007 5:27 PM
To: _PC; _DRC
Subject: Ground rules for joint CC/PC/DRC meetings

At your joint meeting with the CC on September 24th, I said that I would provide you with draft ground rules for conducting joint pre-application meetings. Attached is the draft. I will place this item on your agendas for more discussion before taking it to the CC.
Niroop

From: Will Lovitt [mailto:wjlovitt@comcast.net]
Sent: Friday, October 05, 2007 1:12 PM
To: Srivatsa, Niroop
Subject: RE: Jt Meeting

Thanks, Niroop – I had forgotten AGAIN!

I think that some of the comments from the meeting were right on regarding the joint meetings and I think that we were all on the same page about what the applicant should walk away with – not very much. I believe that the applicant should hear either that the project isn't very interesting to the Council/Commissions or that the project may have merit but it is up to the applicant to formally demonstrate that to the Commissions and Council. Don said something to the effect that the applicant must still go through the process, and I understand what he meant by that. I believe, though, that if an applicant hears words like "go through the process" what registers is that "the process" is just a formality and that the application will likely be approved.

I think it's important that the applicant never hears something that can be brought up later in the process. Unless we are brutally clear, the applicant will hear exactly what it wants to hear. I'm convinced that in at least one application, for which we had something like 20 public meetings and it's still not approved, that's exactly what happened.

Thanks!

Will

10. OTHER BUSINESS (Estimated start time: 7:45 PM*)

A. **JOINT CITY COUNCIL, PLANNING COMMISSION, DESIGN REVIEW COMMISSION MEETING GROUND RULES**
Recommendation: Provide comments to staff
Project Planner: Niroop K. Srivatsa, Tel (925) 299-3206, nsrivatsa@lovelafayette.org

(Estimated time: 15 min*)

Ms. Coburn indicated that Commissioner Lee had provided responses to the draft guidelines distributed by the Niroop K. Srivatsa, Planning & Building Services Manager. Staff requested discussion and feedback with regard to the draft guidelines.

Planning Commissioner Lovitt noted that he had provided a response to Ms. Srivatsa as well. He stated that his preference is that the applicant should either get discouragement or nothing out of the meeting. He said there have been a couple of projects where the joint meeting had been frequently used to remind the Planning Commission that, while they did not approve the project at the joint meeting, they really seemed to like it. He felt comments take out of context were being used against them. He argued that the applicant will hear what they want to hear and take what they want to take from the meeting. He said he took exception to a few items stated in the guidelines that Ms. Srivatsa provided.

Commissioner Cleaver did not speak at joint meeting held the prior week where the City Council, Planning Commission and Design Review Commission discussed general planning issues and the topic of joint sessions came up. He said he mainly listened and at the time did not have a strong feeling about the subject. He stated that he did not think it is appropriate for Council member or Commissioner to make a comment based on incomplete plans and cursory review. He thinks a joint session should be solely for the applicant to present their project and it is unfair of the applicant to expect feedback one way or the other. He thought that if there is confusion between what the Council/Commissions expect from the meeting and what the applicant expects then maybe the meetings shouldn't happen. He repeated that no one should make a comment; they should just thank the applicant and let them submit an application.

Planning Commissioner Lovitt noted that when the public weighs in on the project it may result in different comments than were provided at an earlier joint session. He stated that if the meetings are going to happen then nothing should come out of them.

Chair Hertel asked if nothing happens as a result of the meetings then why are the Commissions and Council doing them.

Planning Commissioner Lovitt said they are just a sales pitch for the developer.

Chair Hertel stated that in his professional life when you bring people into one room the goal is to generate input and come to conclusions. He stated that the joint sessions should be handled like a design review study session, where public can come and anything that is discussed is not binding. He agreed that when the public weighs in it does change the discussion, which doesn't mean the commission was wrong in giving the applicant comments, it just changes the discussion.

Planning Commissioner Lovitt noted that sometimes they have only a few minutes to think about it before giving feedback and that is not the process.

Commissioner Marquand thinks the developer is spending the time and money to see if anyone just hates the idea he is presenting. He said it would be beneficial for the applicant if anyone who had a bad feeling about the project spoke up, but that any comments beyond that would be marginal. He suggested having a statement up front that the meeting is not going to produce any well developed responses and that the goal is only to familiarize the City with the project.

Chair Hertel noted that there is a statement in writing on the second page of the joint session guidelines.

Planning Commissioner Lovitt also took exception to the way it is written. He said if the developer looks around and sees nods and hears that he has to go through the process they will see the process as simply a formality.

Commissioner Cleaver felt that it is Ms. Srivatsa's position that if something heinous is being presented she would not allow it to get to the point of a joint meeting. He is concerned that it circumvents the whole process if the applicant goes away with any feeling at all. He noted that the feelings that they do go away with are based on assumptions.

Chair Hertel asked about the relationship between developer agreements and this process.

Greg Wolff, Senior Planner, said though he was not at the joint session last week, he felt there were two major concerns from the Commission. The first was that the meetings are pointless if nothing is said and the second is that if something is said it will be misconstrued or thrown back in the face of the Commission if comments differ in a subsequent public hearing. He agreed with Commissioner Marquand that the developer wants to have the meeting to get an initial reaction in order to determine whether to move forward. Mr. Wolff suggested the applicant for a joint session could sign an acknowledgement that states that comments made are preliminary and non-binding. He noted that if the commissions don't say anything, there is not much point in the developer requesting a joint session. He also commented that he thought the joint meetings were already handled like a design review study session, i.e. with that level of informality and without binding comments.

Chair Hertel stated he is uncomfortable and doesn't think it is appropriate for Council to drag both Commissions into a public meeting for the purposes of suggesting that they won't be an obstacle. He noted that he is not suggesting that that has or ever will happen, but it is a concern. He said that if the Commissions are not invited to provide meaningful feedback, then the message is that they are not trusted with large development applications. If the Commissions are invited to provide comment then that concern goes away.

Commissioner Marquand asked if the joint sessions are public meetings.

Mr. Wolff replied in the affirmative. He advised that public notification varies.

Planning Commissioner Lovitt stated that it is problem if neighbors don't hear about a meeting concerning a project next door to them.

Ms. Coburn asked if it should be a more formal process where each commission and applicant gets a certain amount of time to speak, even if it means the developer gets cut off.

Chair Hertel said yes and noted that there is often a filibuster on the part of some applicants where there is no time to discuss the project.

Ms. Coburn asked the Commission if they felt the guidelines are acceptable.

Planning Commissioner Lovitt said it makes the process more formal and thus it carries more weight, which is what he doesn't want.

Mr. Wolff pointed the Commissioners to page 2 to last four bullet points starting with "the mayor should"....

Chair Hertel said he supports that statement and that addresses the concern because public comments go into public record. He had no problem with the guidelines due to the four bullet points.

Ms. Coburn asked if Chair Hertel thought all Commissions get enough time to discuss and be heard.

Chair Hertel said yes but also believed it was contingent upon who was chairing the meeting. Furthermore, the intention is clearly stated in the guidelines.

Ms. Coburn asked if an hour is enough time.

Chair Hertel said no, but that it is project dependent.

Planning Commissioner Lovitt suggested 15 minutes because at that level no one can be prepared to provide an adequate review.

Chair Hertel argued that the Design Review Commissioners routinely do that in the study session.

Commissioner Cleaver pointed out that the Commissioners see the plans before the meeting.

Mr. Wolff didn't think the commissions are asked to provide definitive comments and that it is intended to provide the applicant with general direction.

Commissioner Cleaver said it is an opportunity for an exchange between the commissioners in the public forum and wondered if there was a way of restricting the applicant's time

Chair Hertel offered that in a study session the commission brings up items as concerns, for example, soils. He noted it is not fair to get in a debate as there is not an opportunity for a response from the applicant.

Planning Commissioner Lovitt proposed that the answer may be to restrict the applicant's time.

Chair Hertel said that in the study session the applicant submits a proposal, the Commission asks questions and then the Commission offers suggestions.

Planning Commissioner Lovitt stated that in the study sessions the projects are reasonably bound, whereas a professional will do the presentation at the joint session.

Chair Hertel said the meeting should be informal but there should be comments provided.

Mr. Wolff asked what would make Commissioner Lovitt comfortable with a joint session process. Would having the applicant sign an acknowledgement that the joint session is informal, non-binding, an immediate reaction, based on a cursory review?

Planning Commissioner Lovitt said no because he doesn't think it would do any good.

CITY OF LAFAYETTE
CITY COUNCIL SPECIAL JOINT MEETING
DESIGN REVIEW COMMISSION SPECIAL MEETING
PLANNING COMMISSION SPECIAL MEETING

Minutes

Lafayette Community Center – Sequoia Room
500 St. Mary's Road, Lafayette, CA

September 24, 2007
6:00 p.m

1. CALL TO ORDER

Mayor Federighi called the meeting to order at 6:05 p.m.

2. ROLL CALL

Present: City Council: Mayor Federighi, Councilmembers Andersson, Anduri and Tatzin

Absent: Vice Mayor Anderson

Design Review Commission: Chairperson Ken Hertel; Commissioners Robert Cleaver, Bill Marquand and Tim Ward

Planning Commission: Commissioners Jeanne Ateljevich, Wil Lovitt and Mark Mitchell

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Mala Subramanian City Attorney; Lindy Coburn, Associate Planner; Michael Cass, Planning Technician; Sarah Allen, Planning Intern; Joanne Robbins, City Clerk

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Andersson) to adopt the agenda. Vote: 4-0-1 (Ayes:Federighi, Andersson, Anduri Tatzin; Noes: None; Absent: Anderson

4. PUBLIC COMMENTS - None

5. PRESENTATIONS

Design Review Commission
Goals and Accomplishments
Recommendation: Received and filed.

Planning Commission
Goals and Accomplishments

Recommendation: Received and filed.

Development Review Process:

1. Need feedback from the City Council/City Manager. What legitimate complaints or praise are being received about the planning process? Are the commissions properly executing their duties? Are we properly implementing the mission statement of Lafayette?

Councilmember Andersson said of particular concern is the length of time in the process; applicants are told they need to return with a model or revisions and significant time and money is being spent by the applicant who, in return, feels there is little appreciation of their efforts.

Councilmember Tatzin agreed, but said that given the number of applications processed and so few complaints, he would not make any generalities from it. He is concerned that applicants begin the process with staff before it gets to the Commissions, applicants believe they are being told by staff that their request is something staff is likely to recommend, but when the staff report is finalized, the recommendation is for denial.

Mayor Federighi agreed with Councilmember Andersson and said examples include a photo-montage, story poles, models, or additional studies.

Councilmember Anduri said he had not received feedback from the public and his only indication of frustration is when appeals come before the Council, and he is not sympathetic with many of the concerns raised by appellants, disagreed with Councilmember Andersson's analysis. He believed in most cases, Commissions are providing feedback, but the applicant does not agree and does not provide what is requested. He would be interested in determining how often this has occurred and questioned whether there were areas requiring clarification in terms of what the Council is looking for.

A Planning Commissioner said applicants tend to be polite to Commissions and might feel more comfortable voicing their complaints to staff. Ms. Srivatsa said staff has had internal conversations about being strict gatekeepers and has also tried not to be too beaurocratic as well. **Mayor Federighi** said that everyone's interpretation on bulk and mass differs; however, it is not as though applicants are not aware of this issue.

City Manager Falk felt what occurs more often than not is where applicants do not get the answer they like from staff, complaints get referred to him and developers do not want to encounter any hurdles. He said the complaint he hears the most is when a good-intentioned applicant will decide to do an addition or a new home, they will have their architect draw up a plan, meet with neighbors who like it, they will take it through the process feeling they have no opposition, and then the City changes it or denies it, which is hard to address.

Councilmember Andersson said as a former Orinda Planning Commission Chair, he used to get regular complaints from applicants who indicated they would never develop in Orinda again, but felt this was not heard in Lafayette. Commissioner Lovitt said he remembered something like this happening where an applicant was told they had not made their point and the Commission asked at the meeting for them to prove it.

Councilmember Andersson agreed it was important to recognize the need of the Commission to request the applicant return and prove their point, as this was manageable.

Commissioner Ateljevich said one example is where the applicant spends so much time going through both commissions' reviews, the issue is really one of a big picture problem and somehow the process did not allow this to be identified early on. She also said there may have been a threshold issue the Commission did not identify early enough.

Councilmember Anduri said he could think of other projects where developers have a sense that if they just keep at it long enough they will have some equity argument, and he felt this actually counted against applicants.

2. Is the Process More Efficient Today?

Commissioner Mitchell felt the theory of triaging projects before they actually enter officially into the permit stream makes perfect sense and he could not imagine how it has diverted the minor applications and separated out those which would become more contentious. He felt it was a very small subset of projects that miss the mark coming out of ARC. Ms. Srivatsa agreed and said staff likes this process.

Commissioner Lovitt said he could not think of any projects that have come before ARC that should have been handled differently. **Commissioner Ateljevich** felt it was easy to spot things that could move straight up to staff and she felt an ordinance could not be written so finely that one could identify what issues would go away.

Regarding the Planning Commission liaison at Design Review Commission meetings, **Commissioner Hertel** said it was essential to have the Planning Commissioner attend where maybe the issue is not yet truly the design but the subject is more of a larger, more global planning, zoning, threshold and land use issue. He felt it invaluable to have a voice and eyes of a Planning Commissioner present, and he also acknowledged that the Design Review Commission has turned 180 degrees a couple of times by the Planning Commission, which he actually considers a good thing.

A Commissioner said that when the DRC is not quite on board with the entire mass/size issue, they get reminded by the liaisons, and it helps them realize there are other hurdles. **Commissioner Lovitt** said on the flip side when they have had a conversation like that at DRC, the applicant is sitting there thinking there are 4 people not too interested in this and there is 1 who is not and the applicant feels they are okay. He has seen this early judging which works against them, as well.

Commissioner Mitchell said what he likes about having someone at the DRC meeting is that if an application gets bumped up to the Planning Commission, there is some consistency in review.

Mayor Federighi noted Councilmembers all have been Planning Commissioners and felt there were worthwhile suggestions and ways to further improve the process. **Councilmember Tatzin** agreed and said a number of appeals that come to Council are a smaller percentage of what is processed by DRC and the Planning Commission and the process allows for modifications to be made early on which helps.

Commissioner Hertel spoke highly of the study session process and felt it was another way for the Commissioners and liaisons to communicate early with applicants on the direction their project is taking. So before they invest a lot of time, money and effort, they get early feedback.

City Manager Falk said about 4 years ago, staff was getting complaints that the DRC would all have opinions, but they would not necessarily distill their opinions into a consensus motion and now he rarely receives those complaints.

2. **Joint CC/PC/DRC pre-application meetings for large developments with development agreements:**
   1. Are they effective?
   2. How can the City pre-commit before environmental analysis is done?
   3. What are the Council's expectations of the Commissions when the application is being processed?

3. **Negotiation of development agreements absent a defined project or application.**

Mayor Federighi felt items 2 and 3 were inter-connected and a difficult subject and she was not sure how far in depth they could be discussed. She noted situations where an applicant wanted to meet with all three commissions at the same time and get feedback for their application. She questioned if there was too little time within that joint session to analyze projects enough to make comments that need to be made at such an early stage.

Commissioner Lovitt said in the early stage of the process, by and large Commissioners do not have a lot of opportunity to analyze projects enough to make meaningful comments. However, the applicants take the comments at joint meetings seriously and the Commissions are often reminded by applicants in the later stages of review that they held this joint meeting and questioned why there now were problems with the application. He felt it was more of a matter of the meeting having occurred than what actually happens in the meeting. He felt warnings to the applicant are very clear-cut and then completely ignored thereafter, and comments still keep going back to the fact of having the joint meeting. He preferred having a message to the applicant that there is a process and it is unknown what would happen at the end of that process.

Councilmember Tatzin suggested ratcheting expectations down a bit; to indicate there is a process, an opportunity to discuss the project and allow the process to work. There were cases where after the fact, Commission members have said they thought the Council would want the project regardless of how ugly it was and the Council is saying it likes the use but wants the Commissions to make it look good, and the Council is remiss in not communicating that.

Commissioner Mitchell said he has heard that at the joint meetings, the City Council states they like the idea but the applicant must still go through the process. The applicant comes to the meeting with a development agreement with certain requirements and it seems there are strong expectations. He agreed with Councilmember Tatzin in wanting to ratchet down expectations, but he was still not clear about how the best way was to handle the development agreement aspect of it. **Councilmember Tatzin** felt

there were a variety of agreements and he would expect staff to let the Commissions know where in the spectrum it falls.

Commissioner Lovitt said there are certain times, however, when the Council wants certain things to happen and he would appreciate the Council telling them what they are. **Mayor Federighi** felt there was a difference between liking the concept or the use and being happy with the final product.

Councilmember Andersson felt, given the expectations of the developer, it was important to try and communicate to them that the approach is not intended to short-circuit, but rather streamline the process so that everyone could be on the same page. **Commissioner Lovitt** felt in those meetings, that message has been pretty well-delivered, at times more effectively than others, and he felt it gets used as a weapon. When this happens he questions the joint meetings entirely and wonders if there is some other way to do it.

Commissioner Ateljevich felt Councilmember Tatzin's suggestion to be stricter about it would be useful. **Councilmember Tatzin**, in response to Councilmember Andersson as to how to ratchet down expectations, said they could start with what staff has indicated to the applicant, what the staff report indicates, the wrap-up decisions or summation made by the Mayor or Commissioners, and suggested the applicant be sent a follow-up letter afterwards indicating what actually occurred so they are not under a different impression.

A Commissioner said he likes the joint sessions as much as study sessions because it brings everyone together, they provide a tremendous opportunity to hear about projects and often times he has come away from these meetings thinking it was more of a sales pitch than it was a time for analysis or feedback from the session. He felt applicants should go away from these types of meetings with an idea of whether their concept was liked or not and clear direction should be given as quickly as possible.

Commissioner Ateljevich felt this was difficult because there is not a lot of time to study the project and know exactly what feedback to give. **Mayor Federighi** questioned if it would be better to have two sessions prior to making initial comments. **Commissioner Ateljevich** said because the full neighborhood is not present at these initial meetings for a general plan amendment, for example, she felt it caused problems.

Commissioner Lovitt felt the only thing the Commission would be able to accomplish more completely is if they had a full application and full staff report and he did not feel this was the idea.

Councilmember Anduri said there were some real time limitations in the joint session process, believed it is useful to the applicant, and felt the applicant should be told that the process is a chance to have a conversation with each of the Commissions and nothing more.

Ms. Srivatsa_said about three years ago staff had put together some ground rules for joint meetings, she could e-mail these to all commissioners, and thereafter comments could be forwarded back to the Council. She felt it does help the applicant to get an early read, but it was also important for them to know what the ground rules are. Commissioners and Councilmembers agreed ground rules would be very helpful.

Commissioner Lovitt referred to negotiations of development agreements absent a defined project or application. He felt some things are truly wanted by the Council, he faces hurdles after seeing a development agreement having been negotiated and suggested it be negotiated after the joint session. **Councilmember Tatzin** said certain projects require more than one hurdle; one learns how to improve projects after clearing each and felt they are independent from one another.

4. **Goals and Accomplishments: Update from Commission subcommittees and/or staff on the following:**
    1. House size ordinance
    2. Eastern Deer Hill Road Study

Commissioner Ateljevich said the Commission has thoroughly reviewed and mapped the City; they have driven around neighborhoods and noted the general plan calls for neighborhood analysis in some of its land use goals. They identified neighborhoods to protect, those incorporating smaller homes, those having vantage points of seeing other houses, or changing the character of the neighborhood. They have found there are many neighborhoods that have already been affected with a large house that stands out, and have arrived at using two systems:

1) For those neighborhoods mapped, they will get an allowed increase up to 150% of the average within 12 houses of the affected house. She said this would be an ordinance change with findings; one would be for energy conservation; and
2) There would be a citywide threshold of 4,500 square feet beyond which applicants would need to obtain an exception. She said the Commission has checked these numbers by driving around town and have found them to work and noted they were preparing to schedule a joint working session with the Council and Planning Commission sometime in mid-October to discuss the systems.

Councilmember Andersson said it makes sense to take an area and say you can put a certain amount of square footage, but gradually buildings get replaced. He felt the way to look at it is houses would get larger, but gradually. **Councilmember Tatzin** felt the neighborhoods would also change and the houses will not stick out as much to some degree.

Commissioner Mitchell said they broke the process into two parts; one is dealing with larger subdivisions of homes where a neighborhood is homogeneous. They are making more of an effort to preserve setbacks and home sizes and styles. In other parts of the City there is not a common effect and much more latitude is given. Regarding the Eastern Deer Hill Road Study, he said the Council had recommended a residential zoning for that district and at the end further clarification was requested. Since that time, the Commission has been working on it as time permits, they have asked for more slope analysis which was done and they have recently been waiting for a more in-depth study on the parcel, which would also include the study of other zones besides residential. He said a property owner wrote a letter saying they would like the underlining zoning to remain only because they are looking for more residential density. So, no one thus far has ever asked for anything other than residential, so the Council is still looking at that option and he hoped they could move forward with that.

Mayor Federighi agreed this is where the Council was at the time they last reviewed it. Ms. Srivatsa said it has been a slow process because it has been on the back burner.

She said for the last part of the analysis a consultant will be hired this year to study the flat pads on Deer Hill Road and Pleasant Hill Road. The consultant is coming up with a number of scenarios which include low density offices and whether or not should this be included as part of the study is the question before Council. She stated that she would place this on a future Planning Commission agenda for discussion before returning to the Council.

6. ADJOURNMENT

The City Council adjourned the special joint meeting at 7:00 p.m. to the regular City Council meeting.

APPROVED:

_____

Carol Federighi, Mayor

LAFAYETTE HOMEOWNERS COUNCIL
649 Los Palos Drive
Lafayette, CA 94549

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January 17, 2008

Mike Anderson, Mayor
Lafayette City Council
City of Lafayette
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549

Re: Draft Guidelines for Conducting Pre-application Meetings

Honorable Mayor Anderson and Members of the City Council:

The Lafayette Homeowners Council (LHC) appreciates the opportunity to comment on the Guidelines as submitted by City Staff for conducting joint City Council (CC), Planning Commission (PC) and Design Review Commission (DRC) pre-application meetings. Our recommendations are submitted below followed by our general comments on each recommendation.

We recommend:

1) The word "Public" be included in the first section [*What is a joint project review meeting*?] after DRC. Sometimes, the most important feedback early in the process comes from knowledgeable persons and/or those neighbors impacted by the proposed development;
2) Item 2, in its entirety, should be deleted under the second section [*When should these meetings be scheduled*?]. Joint CC, PC, and DRC pre-application meetings should be held only where there is a vested interest on behalf of the City, such as in the LRDA. The standard process of reviewing applications works quite well and should not be obviated in any way;
3) Item 4 under the second section should further define "*other features*" and define "*high community value*." Is this value based upon aesthetic or high esteem reasons, or is it based upon financial considerations? And, who makes this decision?
4) In the third section [*Who decides if they are to be held?],* is it all three parties? We would suggest that the applicant via the City staff make a request of the CC and that the item then be placed on the City Council agenda and decided by the CC;
5) In the fourth section [*What materials should the applicant provide…*?], Item 4, "*Additional materials as requested by the City*," we would suggest that information on all significant physical constraints be provided, as well as orientation of the project, service areas and landscaping, and impacts offsite such as viewing sites, noise, traffic, drainage, and so forth. Also, staff should take into consideration those significant CEQA requirements
that are impacted by the project, when requesting additional materials or data;
6) In the fifth section [*What materials should staff provide in advance of the meeting*?], the final paragraph may need edits. For example, the word "*only*" appears better placed after the word "*applicant*" in the first sentence of this paragraph;

7) In the sixth section [*Who should be notified of the joint meeting*?], in addition to the LHC and Chamber of Commerce, the standard noticing should take place for the public. It does not make any sense to exclude the public and, particularly, those nearby neighbors or businesses that may suffer the greatest impacts or enjoy the greatest benefits or may have valuable information to share with the CC, PC, and DRC. Also, the process is helped by giving people more advance warning (notice) of the meeting;
8) In the seventh section [*How should the meeting be run*?], we believe that a more informal roundtable discussion is beneficial. However, the public should be allowed and encouraged to participate. Again, historically, the public (local experts, neighbors, businesses, past commissioners) may help to educate the CC, PC, and DRC on a project more than any other resource. Also, in this section under Item 4, it would be helpful if the word "general" were to be inserted before the word "*direction*" in the last sentence.

Again, thank you for the opportunity to comment on these Guidelines.

Sincerely,

Guy Atwood

Guy Atwood, President
Lafayette Homeowners Council

Cc: Niroop Srivatsa, Planning Director